

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
SAVANNAH DIVISION

MATTHEW DEAN PETTIGREW,

Petitioner,

v.

TYRONE OLIVER,

Respondent.

CIVIL ACTION NO.: 4:23-cv-347

ORDER

Before the Court is the Magistrate Judge's April 4, 2024 Report and Recommendation, (doc. 16), to which no objections have been filed. After a careful de novo review, the Court agrees with the Magistrate Judge's recommendation. The Court, therefore, **ADOPTS** the Report and Recommendation, (doc. 16), as its opinion. Respondent's Motion to Dismiss is **GRANTED**. (Doc. 10.) Petitioner's Petition for Writ of Habeas Corpus is **DISMISSED, without prejudice**, as untimely. (Doc. 1.)

Applying the Certificate of Appealability (COA) standards, which are set forth in Brown v. United States, 2009 WL 307872 at * 1-2 (S.D. Ga. Feb. 9, 2009), the Court discerns no COA-worthy issues at this stage of the litigation, so no COA should issue. 28 U.S.C. § 2253(c)(1); see Alexander v. Johnson, 211 F.3d 895, 898 (5th Cir. 2000) (approving *sua sponte* denial of COA before movant filed a notice of appeal). And, as there are no non-frivolous issues to raise on

appeal, an appeal would not be taken in good faith. Thus, *in forma pauperis* status on appeal is likewise **DENIED**. 28 U.S.C. § 1915(a)(3). The Clerk is **DIRECTED** to **CLOSE** this case.

SO ORDERED, this 13th day of May, 2024.



R. STAN BAKER, CHIEF JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA